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February 18, 2020

**By ECF**

Hon. Edgardo Ramos, U.S.D.J.  
UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT  
OF NEW YORK  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: **Equal Employment Opportunity Commission v. Pediatrics 2000**  
**Docket No. 19 Civ. 9076 (ER)**

Dear Judge Ramos:

This firm represents defendant Pediatrics 2000 with respect to the above-referenced matter, which was mediated on Wednesday, February 12, 2020, before Robert Kheel, Esq., who was appointed by the Court and spent over six hours with the parties.

The case did not settle, however. Although two staff attorneys appeared for plaintiff, the Equal Employment Opportunity Commission (the “EEOC” or the “Commission”), it declined – despite request from Mr. Kheel and this firm – to ask Charging Party Shakinah Baez to attend the proceedings. And, although we had asked the Commission’s staff counsel to have Ms. Baez call the mediator before we adjourned, she never did so. We further understand that the Commission would oppose any application by defendant to compel her attendance at a second day of negotiations.

We respectfully submit that it would be helpful if the mediation were continued and the Court ordered Ms. Baez to attend in person. We understand that she lives and works in New York City and strongly suspect that attending would not put her to undue hardship. Although she is not technically a party to the negotiations, the Complaint speaks at length with respect to her interactions with her former supervisors at Pediatrics 2000, and demands that defendant pay monetary compensation to her.

We note that, not surprisingly, the Individual Practices of several Magistrate Judges of this District specifically require persons with authority to personally attend settlement conferences over which a Magistrate Judge may preside. *See, e.g.*, Individual Practices of Hon. Sarah Netburn,

Hon. Edgardo Ramos, U.S.D.J.  
February 18, 2020  
Page 2

U.S.M.J.; Hon. Frank Maas, U.S.M.J.; Hon. Debra Freeman, U.S.M.J.; and Hon. Kevin Nathaniel Fox, U.S.M.J.

Mr. Kheel – who is serving without compensation – has agreed to continue the proceedings at a later date. Without going into the substance of the negotiations, we believe it would be in the best interests of all that Ms. Baez be ordered to appear at the mediation. We are not asking that she meet or speak with defendant’s representatives or their attorneys, and will take specific steps to minimize any contact with her.

The Court’s time and attention are greatly appreciated.

Respectfully submitted,

GORDON & REES LLP

*s/Douglas E. Motzenbecker*  
Douglas E. Motzenbecker

DEM:ct

cc: Liane T. Rice, Esq.  
Kimberly Cruz, Esq.  
(via ECF)